RAJYA SABHA

Friday, the 17 th December, 2004/26 *Agrahayana,* 1926 *(Saka)*

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

Violation of Labour Laws

*241. SHRICHITTABRATA MAJUMDAR:
SHRI DIPANKAR MUKHERJEE:

Will the Minister of RAILWAYS be pleased to state:

(a) whether Ministry of Railways is aware of the gross violation of laws, pertaining to minimum wages, right to form union etc. and workers actiyitiesby Hindustan Construction Company (HCC), the factor engaged in construction work in Banihal in Doda district of nu and Kashmir;

(b) if so, the action taken by the Ministry of Railways, as principal jloyer, to stop repression directly or indirectly by HCC on the above ltractor's workers comprising migrant, dalitand minorities; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI R. VELU): (a) to (c) A Statement is laid on the Table of the Sabha.

Statement

(a) to (c) There have been no reports of any violation of any Labour Laws pertaining to minimum wages, right to form Union or any anti workers activities by the Contractor Messrs Hindustan Construction Company (HCC) engaged in construction work in Banihal. In so far as compliance of the provisions of Minimum Wages Act is concerned, it is to inform that wages

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†The question was actually asked on the floor of the House by Shri Chittabrata Majumdar.

being paid by Messrs Hindustan Construction Company Limited, are more than minimum wages fixed by Central/State Government for various categories of workers. There is a functional workers Union recognized by Hindustan Construction Company, whiGh operates under the name and title of Hindustan Construction Company Workers Union, Banihal. This Union is affiliated to Federation of Hindustan Construction Company Workers Union, which is headquartered in Mumbai.

SHRI CHITTABRATA MAJUMDAR: Sir, I am sorry to say that Hindustan Construction Company has totally misled the Ministry. The Udhampur-Chinagur-Banihal rail project workers' union has been recognised by the Labour Department of Jammu and Kashmir Government through an election. But, HCC has refused to accept that. There has been a strike from 2nd August onwards on the issues of recognition of union, minimum wages, violation of labour laws, etc. Police firing took place there killing one worker and there is tremendous repression by HCC. Even the Chief Minister of Jammu and Kashmir had to intervene in the matter. My firf question is: did the Chairman of Standing Committee on Railways nd inform the Railway Board about the anti-labour policies through the Laboui Department?

SHRI R. VELU: Sir, there is already a recognised trade union i^{r} HCC. There was a charter of demands presented on 7th August. On the basis of that, on 12th August, a meeting was held in the presence of the Assistant Commissioner (Labour). Many issues were discussed and it was agreed to in that meeting that both, the union and the management, would meet once in a month and sort out the issues. The point referred to by the hon. Member is that they were not recognised as a particular union. We do not have that information in our file. At the same time, it is also a fact that the firing took place. It took place due to the mischief of local people during the meeting between the HCC workers and the management of IRCON, the principal employer. On the 10th and 11th, there was really a lot of problem and then, there was a police firing. One worker died in that firing. Naturally, we had to call the military to rescue IRCON people, HCC officers and others and took them, all the way to Srinagar, to a safer place. What I am saying is that the problem is not between the workers and the management; it is due to outside elements, the local people. They started the trouble and caused law and order problem. Now, the situation is like

this: even though it is not coming to near-normalcy, but out of 200 workers, 167 workers have joined the work and, with the security arrangements, the work is going on. The points raised were whether a particular union was recognised or not, their demands were met or not, meetings were held or not, etc.-these things will be inquired into and further action will be taken.

SHRIDIPANKAR MUKHERJEE: Did Chairman, Standing Committee, inform you?

SHRI R. VELU: We have no information on that. I will get that information and take follow-up action in the matter.

SHRI CHITTABRATA MAJUMDAR: Sir, so far as our information goes, HCC management did not attend the meeting convened by the Labour Department of Jammu and Kashmir Government. They are not attending, and instead, they are trying to create some communal problem there. So, my second question is: will the Minister order an inquiry and remove the contractor, HCC?

SHRI R. VELU: This point has come to our notice. We will further inquire into the matter whether HCC is attending the meetings or not and see that things are settled in appropriate manner. At the same time, I would like to assure the hon. Member that, if necessary, an inquiry will be held, in which I also call for the support of the hon. Member to sort out the problem.

SHRI DIPANKAR MUKHERJEE: Sir, I am very sorry to say this. I have so much of regard for the Minister of State. But in a case where Railways is the principal employer, and, then, I think, IRCON is the contractor, and, the HCC is the sub-contractor, Sir, this reply should not have come to the Parliament keeping in view that the Chairman, Standing Committee had visited that place twice, four Members of Parliament had visited that place once. I had myself talked to the Chief Minister of Jammu and Kashmir on this issue. If the issue was as simple as the Mr. Railway Minister has been made to believe, this would not have been possible, and, i have with me a paper that shows this. How have they misled you? I am talking about the month of August. You must hold responsible the Railway Board officials who have misled you, and, kept you in dark.

On 4th of December, on the initiative of the Chief Minister of Jammu and Kashmir, the Principal Secretary had initiated a discussion, the Deputy Commissioner, Jammu, and, IGP, Jammu, Management representatives, led by one Mr. Dhar, and, the officials from the union, which you say is not a recognised union—were presented there, and, the same logic which you have been telling us now that they are not the union, some other union is there in the corporation, was put. And, the State Government had directed the HCC not to act above the law of the land, and, give cognisance to the representative authorised by the workers.

Sir, my simple submission before the hon. Minister is that this reply should not be treated as a reply laid on the Table of the House. The whole matter should be enquired into by the Ministry. We had gone there, and, we will be in a position to co-operate with you. But this statement should not be taken as a statement. The whole matter should be re-enquired. The Chief Minister of Jammu and Kashmir is aware of the problem. It is not a small issue, and, Sir, communal tension is being spread by one Mr. Dhar who is the incharge. I demand the transfer of Mr. Dhar from HCC, and, I demand an enquiry, and, I also say that there should be discussion. Call the HCC fellows, call us, if necessary, we will put all the documents before you as to what is happening. All the migrant workers who have been going there have been shunted out to the jungles through Army and the Police, and, this Hindustan Construction Company, the sub-contractor, cannot dictate their terms to the *yho\e* of the country as to how a Railway project is to begin. I request you to order an enquiry immediately.

SHRI R. VELU: Sir, the hon. Member has now brought it to my notice that there was some discussion in December. Here, he also mentioned about the visit by some hon. Members of this House. And, he also said that the Chief Minister had a meeting in this regard. The hon. Member also mentioned whether the Chairman of the Standing Committee has conveyed this note on his visit. But, at last.... *{Interruptions)...*

SHRI DIPANF&R MUKHERJEE: No, I am not telling that. I am asking as to why your Railway Board officials have not informed you that there was a meeting at the initiative of the Chief Minister of Jammu and Kashmir on 4th of December in Jammu on this issue. Why have they not informed that on 10th December, further there was a meeting by the ALC where the representative of the Hindustan Construction Company quit? There is no information before you. Please get it enquired.

SHRI R. VELU: Sir, I assure that this information will be collected, and, further discussion will be held ...*(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: Please see that the whole thing is enquired into.

SHRI R. VELU: Yes, the whole thing will be enquired into. As the hon. Member knows that the Railways is a model employer, and, treats the trade unions in the country with respect, and, it is taking into account, what they want to say. Railway will be considering all that, and, will continue to be a model employer. In that sense, I am saying that the entire matter will be enquired into, and, a possible and pragmatic solution will be found to this issue.

इस्पात के मूल्यों में वृध्दि होने से घाटा

*242.**श्री पी. के. माहेश्वरी** : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या इस्पात के मूल्यों में लगातार वृध्दि होने से रेलवे को घाटा हो रहा है ;

(ख) यदि हां, तो घाटे का ब्यौरा क्या है ;

(ग) क्या सरकार इस्पात का विकल्प ढूंढ़ने का प्रयास कर रही है ;

(घ) यदि हां, तो इस संबंध में ब्यौरा क्या है ; और

(ड़) क्या सरकार इस्पात वैगनों के स्थान पर अल्युमिनियम के वैगनों का निर्माण करने पर विचार कर रही है ?

रेल मंत्रालय में राज्य मंत्री (श्री आर. वेलू) : (क) से (ड़) एक विवरण सभा पटल पर रख दिया है ।

विवरण

(क) और (ख) इस्पात की कीमत में वृध्दि होने के कारण रेलवे को इस्पात की खरीद पर लगभग 400 करोड़ रुपए का अनुमानित अतिरिक्त खर्च वहन करना पड़ा है ।

(ग) से (ड़) मालडिब्बों के निर्माण में इस्पात का कोई विकल्प नही है । बहरहाल, एक सीमित मात्रा में एल्युमिनियम के मालडिब्बों का निर्माण करने का फैसला किया है । 2005-06 के दौरान एल्युमिनियम मालडिब्बों की 750 चौपहिया इकाइयों के निर्माण की योजना है।